HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 2770 OF 2006

Between:

J. Anjaiah & others

..... Petitioners

AND

The Government of India,
Ministry of Urban Development & Poverty &
Deviation Department of Urban Development &
Poverty Alleviation,
New Delhi
Rep. by its Secretary & others

.....Respondents

:: O R D E R ::

Counsel for the petitioners : Shri T. Sudhakar Reddy

Counsel for the respondent No.2 : Special Government Pleader

Dated: 05.01.2007

Per G.S.SINGHVI, CJ

In this petition, the petitioners have made the following substantive prayer:

> " It is therefore prayed that this Hon'ble Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of mandamus to the respondents to consider the scheme of rehabilitation of the petitioner as per the plans filed by the Municipal Corporation of Hyderabad dated 4.5.1996 before this Hon'ble Court or in any other suitable place with a further direction to the respondents not to resort to any coercive steps of evicting the petitioners from the place of their business till the scheme of their rehabilitation is finalized by the respondents, while setting aside notices issued by Municipal Corporation of Hyderabad to the petitioners dated 3.1.2006 and 5.1.2006 declaring the action of the respondents as illegal, arbitrary, unconstitutional and violative of principles of natural justice or otherwise, the petitioners would be put to irreparable and irretrievable loss and injury of loosing their livelihood."

At the hearing, Shri T. Sudhakar Reddy, on the basis of instructions given to him, made a statement that petitioner Nos. 1 to 8, who were selling second hand books in koti area, have been accommodated in the complex established by the Municipal Corporation of Hyderabad and, as such, their grievance does not survive any more. He further stated that petitioner Nos. 19 to 69 have already been issued identity cards in accordance with the hawkers policy framed by the Municipal Corporation of Hyderabad

and, as such, their grievance has also been remedied. He then submitted that the remaining petitioners have also submitted applications for being allowed to do business in the identified areas and the Court may dispose of the writ petition by directing the concerned authority to decide their applications in accordance with the extant policy.

Shri A. Satya Prasad, learned Special Government Pleader submitted that the applications made by petitioner Nos. 9 to 18 for being permitted to carry on their business activity in the alternative areas in the identified zone will be considered and decided by the competent authority of the Municipal Corporation within one month.

In view of the statements made by the learned counsel, the writ petition is disposed of with the direction that the applications made by petitioner Nos. 9 to 18 for grant of permission to carry on business at the alternative sites shall be considered and decided by the competent authority i.e. Additional Commissioner (Planning), Municipal Corporation of Hyderabad within one month keeping in view the extant policy, and the same shall be communicated to each of the petitioners separately at the end of one month's period.

In view of disposal of the writ petition in the manner indicated above, we direct that for a period of six weeks from today, petitioner Nos. 9 to 18 shall be allowed to carry on their business activities at the present sites. If, within this time, permission is granted to petitioner Nos. 9 to 18 to do their business activity at the alternative site, then they shall have to shift from the present site even before the expiry of six weeks period.

As a sequel to disposal of the writ petition, W.P.M.P.No.

3393 of 2006 filed by the petitioners for interim relief is dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

05.01.2007
ksld